

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed May 18, 2005. In the Office Action, the Examiner notes that claims 1-28, 30 and 31 are pending and rejected. By this response, claims 1, 25 and 31 are currently amended. Claims 2, 3, 27 and 28 are canceled. All other claims continue unamended.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are indefinite or obvious under the respective provisions of 35 U.S.C. §112 and §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Rejections

35 U.S.C. §112

The Examiner has rejected dependent claim 31 under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner finds that the claimed "first, second and third states" lack positive antecedent basis. Applicants respectfully traverse the Examiner's rejection.

Applicants have amended claim 31 to depend directly from claim 30 instead of claim 25. The claimed limitations of "first, second and third states" now have positive antecedent basis. As such and at least for the same reasons as discussed above, Applicants submit that this dependent claim fully satisfy the requirements of 35 U.S.C. §112. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 1-28 and 31

The Examiner has rejected claims 1-28 and 31 under 35 U.S.C. §103(a) as being anticipated by Sampath et al. (U.S. Patent 6,279,029, hereinafter "Sampath") in view of Ellis (U.S. Patent Application Publication US 2004/0226042 – effective filing date March 4, 1999, hereinafter "Ellis"). Applicants respectfully traverse the rejection.

Applicants' independent claim 1 recites (independent claims 24 and 25 recite similar limitations):

1. (Currently Amended) A method for providing user interfaces at a terminal for a plurality of video-on-demand services offered by provider equipment of an information distribution system, comprising:
 - providing a first application to support a first user interface for a first service associated with an interactive program guide;
 - providing a second application to support a second user interface for a second service associated with video-on-demand (VOD); and
 - maintaining first and second message queues for the first and second applications, respectively; and
 - coordinating passing of control of the terminal between the first and second applications via a control mechanism, wherein the control mechanism passes control to the first and second applications via messages provided to the first and second message queues, respectively. (emphasis added).

As claimed and specifically disclosed in the specification, "IPG application 622 and VOD application 624 are implemented as separate downloadable executable object files." (See page 24, lines 3-6.) These applications are executed in order to provide the desired services. "[T]he IPG application can execute in either a foreground or background mode. The IPG application enters the foreground mode and assumes control of the user interface for the terminal if it receives a "Launch" message on its message queue. And in the background mode, the IPG application defers the handling of key presses to the VOD or some other active application. Similarly, the VOD application can execute in either a foreground or background mode. The VOD application enters the foreground mode and supports VOD service when it receives a Launch message on its message queue. In the background mode, the VOD relinquishes resources and waits for selection and launch (e.g., by the viewer)."

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the

claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention, Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 USPQ 416, 420 (Fed. Cir. 1986) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Sampath and Ellis references, alone or in combination, fail to teach or suggest Applicants' invention as a whole.

The Sampath reference discloses

...client 104 operates in a windowed environment, such as that provided by Microsoft Windows. User interface 200 is a window frame comprising window controls 202, channel controls 204, video display 206, audio controls 208, and text reader bar 210. Program guide window 300 comprises a list 302 of the channels currently being transmitted over the computer network and a list 304 of the channels to be transmitted over the computer network in the future. Program Guide window 300 also preferably displays the current time in clock 306. After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. (see Sampath, column 4, line 65 to column 5, line 2, column 5, lines 38-43, and column 5, lines 65-67).

Nowhere in the Sampath reference is there any teaching, or even suggestion, of "coordinating passing of control of the terminal between the first and second applications via a control mechanism, wherein the control mechanism passes control to the first and second applications via messages provided to the first and second message queues, respectively."

Sampath does not specifically disclose the first and second applications. It merely mentions that a window frame is provided by a windowed environment which does not necessarily require the execution of an application. Furthermore, Sampath discloses that when a user closes the Program Guide window, the user interface appears. Sampath does not disclose, teach or suggest coordinating passing of control of the terminal between the first and second applications via a control mechanism, wherein the control mechanism passes control to the first and second applications via

messages provided to the first and second message queues, respectively. Since the Sampath reference is completely silent with respect to the control mechanism as claimed, the Sampath reference fails to teach Applicants' invention as a whole.

Ellis fails to bridge the substantial gap between the Sampath reference and Applicants' invention. Ellis merely discloses directing simultaneous display of a selected television program and a program guide display. In particular, Ellis discloses, "Video-on-demand program guide display 70 may be invoked using any suitable technique such as by using a dedicated key on remote control unit 50 such as play key 58, VOD browse key 51 (FIG. 5), or using an on screen button (not shown). Alternatively, guide 70 may be invoked by first entering a "normal browse mode" (i.e., invoke a program guide display showing regularly broadcast programs) and then select a designated video-on-demand channel using the up and down cursor keys 54a. and 54b or numeric keys 60." (See paragraph 55).

Ellis fails to disclose, teach or suggest Applicants' claimed "coordinating passing of control of the terminal between the first and second applications via a control mechanism, wherein the control mechanism passes control to the first and second applications via messages provided to the first and second message queues, respectively."

As such, Applicants submit that, for at least the reason stated above, independent claims 1, 24 and 25 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 4-23 and 26 depend, either directly or indirectly, from independent claims 1, 24 and 25 and recite additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 30

The Examiner has rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over Filletto et al. (U.S. Patent 6,300,951, hereinafter "Filletto") in view of Ellis. Applicants respectfully traverse the rejection.

Applicants' independent claim 30 recites:

30. (Previously Amended) A terminal configurable to provide user interfaces for a plurality of video-on-demand services offered by an information distribution system, comprising:
a first state indicative of a first application executing to support a first user interface for an interactive program guide;
a second state indicative of a second application executing to support a second user interface for video-on-demand content;
a third state indicative of the first and second applications being idle; and
means for transitioning between the first, second, and third states.
(emphasis added).

The present invention includes a third state indicative of the first and second applications being idle.

After the applications are downloaded, the terminal enters a wait state 714. In the specific implementation shown in FIG. 7, while in wait state 714, a "Guide" key press (e.g., on the remote control unit) causes a transition to an IPG active state 716 and an "A" key press causes a transition to a VOD active state 718. IPG active state 716 is indicative of the IPG application being active, and VOD active state 718 is indicative of the VOD application being active. (See page 25, lines 19-24).

While in the wait state, the application is idle. More specifically, the "application is inactive and in the wait-for-launch state." (See page 26, lines 1-2).

The Filletto reference discloses:

In accordance with an exemplary embodiment, to initialize the system, the application or video display running in window 56 may present an application window 64 allowing the user to add to a sequence queue in white space 66 indicia identifying the order of sequence of windows 54, 56. Window 64 may then be deleted or minimized, leaving only windows 54 and 56 open in display area 52. Open windows may appear in display area 52, or may be minimized. In the latter case, when control is toggled in sequence to a minimized window, such minimized window may be enlarged and displayed in display area 52. (See Filletto, column 2, lines 41-51).

Nowhere in the Filletto reference is there any teaching, or even suggestion of "a third state indicative of the first and second applications being idle".

Filletto discloses that open windows may be minimized. However, Filletto does not specifically disclose that the applications are idle. Specifically, minimizing a window does not disclose, teach or suggest that the application running within that window has

changed from an active state to an idle state. Therefore, Filletto does not disclose, teach or suggest "a third state indicative of the first and second applications being idle." Since the Filletto reference is completely silent with respect to "a third state indicative of the first and second applications being idle," the Filletto reference fails to teach each and every element of the claimed invention, as arranged in the claims.

The Ellis reference fails to bridge the substantial gap between the Filletto reference and Applicants' claimed invention. As discussed above, Ellis merely discloses directing simultaneous display of a selected television program and a program guide display. In particular, Ellis discloses, "Video-on-demand program guide display 70 may be invoked using any suitable technique such as by using a dedicated key on remote control unit 50 such as play key 58, VOD browse key 51 (FIG. 5), or using an on screen button (not shown). Alternatively, guide 70 may be invoked by first entering a "normal browse mode" (i.e., invoke a program guide display showing regularly broadcast programs) and then select a designated video-on-demand channel using the up and down cursor keys 54a. and 54b or numeric keys 60." (See paragraph 55).

Ellis fails to disclose, teach or suggest Applicants' claimed "a third state indicative of the first and second applications being idle."

For at least the reasons discussed above, the Filletto and Ellis references alone or in combination fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 30 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are indefinite or obvious under the respective provisions of 35 U.S.C. §112 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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